

Remarks

In response to the Office Action mailed on December 11, 2007, the Applicant respectfully requests reconsideration in view of the following remarks. In the present application, claims 1, 28, 29, and 33 have been amended. The claims have been amended to specify reducing an interval at which reconnection to the remote computing system is allowed after not being able to connect to the remote computing system using the one of the one or more connectivity sources for a given time period; resetting the time period; switching back to the reduced interval upon detecting at least one of a network change and a successful connection via the one of the one or more connectivity sources; and marking the one or more connectivity sources as inoperable while the user's computer is shutting down to prevent subsequent online communication events from adding to shutdown delays. Support for this amendment may be found on page 12, lines 5-22 in the Specification. No new matter has been added.

Claims 1-47 are pending in the application. Claims 1-7, 9-17, 20-24, 27-28, and 30-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Li (US 2004/0054804) in view of Edwards (US 6,873,619). Claims 8, 18, and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Li in view of Edwards and Hanson et al. (US 7,136,645, hereinafter "Hanson"). Claims 19 and 32-47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Li in view of Edwards and Blount et al. (US 6,070,184) and further in view of Hanson. Claims 25-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Li in view of Edwards and Blount.

Applicant's Statement of the Substance of the Interview

A telephonic interview between the undersigned representative for the Applicant and the Examiner was held on May 19, 2008 to discuss proposed amendments to address

claim rejections under 35 U.S.C. Section 103. The Examiner agreed with the representative that the proposed amendments appeared to overcome the Section 103 rejections in view of the cited references of record and that further consideration and/or search would be performed with respect to the proposed amendments.

Claim Rejections - 35 U.S.C. §103

1-7, 9-17, 20-24, 27-28, and 30-31

Claims 1-7, 9-17, 20-24, 27-28, and 30-31 are rejected as being unpatentable over Li in view of Edwards. The rejection of these claims is respectfully traversed.

Amended independent claim 1 specifies a method of monitoring and providing online connectivity sources. The method includes monitoring a connectivity status of one or more connectivity sources, selecting one of one or more available connectivity sources for use for online communications, connecting a user's computer to a remote computing system via the selected available connectivity source, monitoring whether the connection to the remote computing system via the selected connectivity source has failed, if the connection is detected as failed, then scheduling a poll on a background software thread, if the poll fails, then generating a notification that the connection to the remote computing system via the selected connectivity source is disconnected, attempting reconnection to the remote computing system, if the selected connectivity source is lost, determining whether a second connectivity source is available, if a second connectivity source is available, automatically connecting the user's computer to the remote computing system via the second connectivity source without user action, reducing an interval at which reconnection to the remote computing system is allowed after not being able to connect to the remote computing system using the one of the one or more

connectivity sources for a given time period, resetting the time period, switching back to the reduced interval upon detecting at least one of a network change and a successful connection via the one of the one or more connectivity sources, and marking the one or more connectivity sources as inoperable while the user's computer is shutting down to prevent subsequent online communication events from adding to shutdown delays.

It is respectfully submitted that the combination of Li and Edwards fails to teach, disclose, or suggest each and every feature specified in amended claim 1. For example, the aforementioned combination fails to disclose reducing an interval at which reconnection to the remote computing system is allowed after not being able to connect to the remote computing system using the one of the one or more connectivity sources for a given time period, resetting the time period, switching back to the reduced interval upon detecting at least one of a network change and a successful connection via the one of the one or more connectivity sources, or marking the one or more connectivity sources as inoperable while the user's computer is shutting down to prevent subsequent online communication events from adding to shutdown delays.

Li discusses failure recovery for a high-speed modem that is connected through a router to various connected Internet appliances. The failure recovery is accomplished by using one of the Internet appliances as a gateway with a dial-up connection and directing all the other Internet appliances to the gateway so that when the high-speed modem fails, Internet access is provided by a single dial-up connection on the gateway that is shared by all the Internet appliances connected to the router. See paragraphs 0017-0018.

Li however, in contrast to amended claim 1, fails to teach or suggest reducing an interval at which reconnection to the remote computing system is allowed after not being

able to connect to the remote computing system using the one of the one or more connectivity sources for a given time period. Li discusses that the high-speed modem connection is reactivated when a high-speed service reactivation is received. See paragraph 0043. Thus, Li bases reactivation on whether or not a reactivation communication is received, not an interval, and thus fails to disclose reducing an interval, at which reconnection is allowed after not being able to connect to a given connectivity source for a given time period. Li further fails to disclose marking the one or more connectivity sources as inoperable while the user's computer is shutting down to prevent subsequent online communication events from adding to shutdown delays. While Li discusses deactivating the shared dial-up connection when the high speed service reactivation is received (see paragraph 0043), Li fails to disclose marking a connectivity source as inoperable during a computer shutdown to prevent subsequent online communication events from adding to shutdown delays, as specified in amended claim 1. In particular, Li appears to be silent with respect to changing the status of connectivity sources during a computer shutdown.

Edwards fails to cure Li's deficiencies. Edwards discusses finding a network segment path for a communication on a communication network based on obtained link layer information. See Col. 2, lines 18-27. Edwards further discusses the scheduled round robin polling of devices to passively identify failures. See Col. 12, lines 15-18.

Edwards however, in contrast to amended claim 1, fails to teach or suggest reducing an interval at which reconnection to the remote computing system is allowed after not being able to connect to the remote computing system using the one of the one or more connectivity sources for a given time period. As discussed above, Edwards is

merely concerned with finding network segment paths for communication on a communication network and the polling of devices to passively identify failures. Thus, Edwards is silent with respect to an interval for reconnecting to a remote computing system. Edwards further fails to disclose marking a connectivity source as inoperable during a computer shutdown to prevent subsequent online communication events from adding to shutdown delays, as specified in amended claim 1. In particular, Edwards appears to be silent with respect to changing the status of connectivity sources during a computer shutdown.

Based on the foregoing, amended claim 1 is allowable and the rejection of this claim should be withdrawn. Claims 7, 9-10, 12-17, 20-24, and 27 depend from amended claim 1, and are thus allowable for at least the same reasons. Amended claim 28 specifies similar features as amended claim 1 and is also allowable over the combination of Li and Edwards for at least the same reasons discussed with respect to claim 1. Claim 31 depends from amended claim 28 and thus is allowable for at least the same reasons. Therefore, the rejection of claims 7, 9-10-12-17, 20-24, 27-28, and 31 should also be withdrawn.

Claims 8, 18, and 29

Claims 8, 18, and 29 are rejected as being unpatentable over Li in view of Edwards and Hanson. The rejection of these claims is respectfully traversed.

It is respectfully submitted that the combination of Li, Edwards, and Hanson fails to each, disclose, or suggest each of the features specified in claims 8, 18, and 29. Claims 8 and 18 depend from amended claim 1 and thus specify at least the same features. Therefore these claims are allowable over the combination of Li and Edwards for at least

the same reasons discussed above with respect to amended claim 1. Claim 29 depends from amended claim 28 which specifies similar features as amended claim 1. Therefore, claim 29 is also allowable over the combination of Li and Edwards for at least the same reasons discussed above with respect to amended claim 1.

Hanson, relied upon in the Office Action for allegedly curing the deficiencies of Li, discusses enabling existing network applications to run reliably in mobile environments. A Mobility Management Server coupled to a mobile network maintains the state of each of any number of Mobile End Systems and handles complex session management required to maintain persistent connections to the network and to other peer processes. See Abstract. Hanson further discusses a protocol which the Mobility Management Server utilizes to stop retransmitting frames for a particular connection if it receives no notification from a corresponding Mobile End System. When this occurs, the Mobility Management Server assumes that the Mobile End System is in some unreachable state and places the connection in a dormant state. See Col. 30, lines 22-34.

Hanson however, fails to teach, disclose or suggest reducing an interval at which reconnection to the remote computing system is allowed after not being able to connect to the remote computing system using the one of the one or more connectivity sources for a given time period. In contrast, Hanson merely discusses placing a connection in a dormant state once a server stops retransmitting frames for that connection. Hanson also fails to teach, disclose, or suggest marking a connectivity source as inoperable during a computer shutdown to prevent subsequent online communication events from adding to shutdown delays. In particular, Hanson appears to be silent with respect to changing the status of connectivity sources during a computer shutdown.

Claims 19 and 32-47

Claims 19 and 32-47 are rejected as being unpatentable over Li in view of Edwards, Blount, and Hanson. The rejection of these claims is respectfully traversed.

It is respectfully submitted that the combination of Li, Edwards, Blount, and Hanson fails to teach, disclose, or suggest each of the features specified in claims 19 and 32-47. Claim 19 depends from amended claim 1 and claim 32 depends from amended claim 28. Therefore, these claims are allowable over the combination of Li, Edwards, and Hanson for at least the same reasons as amended claims 1 and 28. Amended claim 33 specifies similar features as amended claims 1 and 28 and is thus allowable over the combination of Li, Edwards, and Hanson for at least the same reasons. Claims 34-47 depend from amended claim 33 and are thus allowable over the combination of Li, Edwards, and Hanson for at least the same reasons.

Blount, relied upon in the Office Action for allegedly curing the deficiencies of Li Edwards, and Hanson, discusses communicating with a web browser executing on a remote/mobile processing system which is temporarily and intermittently connected to a second computer by storing in a persistent request queue at the second computer, a request from the web browser to a server application accessible to the second computer. An interim response is provided to the web browser in response to the request from the client application. The stored request is provided to the server application and a response is received from the server application. The received response may then be provided to the web browser executing on the remote/mobile processing system. See Col. 3, lines 30-44.

Blount however, fails to teach, disclose or suggest reducing an interval at which reconnection to the remote computing system is allowed after not being able to connect to the remote computing system using the one of the one or more connectivity sources for a given time period. In contrast, Blount is not concerned with reconnection but rather web browser communications while a communication is established between two computers. Blount also fails to teach, disclose, or suggest marking a connectivity source as inoperable during a computer shutdown to prevent subsequent online communication events from adding to shutdown delays. In particular, Blount appears to be silent with respect to changing the status of connectivity sources during a computer shutdown.

Claims 25-26

Claims 25-26 are rejected as being unpatentable over Li in view of Blount. The rejection of these claims is respectfully traversed.

It is respectfully submitted that the combination of Li and Blount fails to teach, disclose, or suggest each of the features specified in claims 25-26. Claims 25-26 depend from amended claim 1 and thus recite at least the same features. As discussed above with respect to the discussion of claims 19 and 32-47, the features specified in amended claim 1 are allowable over the combination of Li and Blount. Therefore, claims 25-26 which recite at least these same features are also allowable over the combination of Li and Blount and the rejection of these claims should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner

believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant's attorney at the number listed below.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.

Date: June 11, 2008

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